

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DARIUS KHALEGHI,

Plaintiff,

v.

THE STATE OF WASHINGTON;
DEPARTMENT OF SOCIAL AND
HEALTH SERVICES (DSHS), and its
employees TROY HUTSON, LEO RIBAS,
DAVID STILLMAN and ALDOLPHO
CAPISTANTI,

Defendants.

CASE NO. C10-5360BHS

ORDER GRANTING
DEFENDANTS' UNOPPOSED
MOTION TO CONTINUE
TRIAL, DENYING
PLAINTIFF'S MOTION TO
COMPEL, AND DENYING AS
MOOT DEFENDANTS'
MOTION TO SHORTEN TIME

This matter comes before the Court on Plaintiff's ("Khaleghi") motion to compel (Dkt. 22) and Defendants' motions to continue trial (Dkt. 25) and to shorten time (Dkt. 27). The Court has considered the pleadings filed in support of and in opposition to the motions and the remainder of the file and hereby denies Khaleghi's motion to compel, grants Defendants' motion to continue, and denies Defendants' motion to shorten time for the reasons stated herein.

I. DISCUSSION

A. Defendants' Motion to Continue

Defendants move the Court to continue the trial date until mid-October. Dkt. 25. Defendants argue that satisfying Khaleghi's discovery requests will require more time than available under the current trial schedule. *See id.* Khaleghi did not oppose this

1 motion. Pursuant to Local Rule CR 7(b)(2), the Court finds Defendants' motion
2 meritorious.

3 Therefore, the Court concludes that Defendants have shown good cause to
4 continue this case and trial is now set for October 18, 2011. A new case schedule will
5 issue consistent with this new trial date.

6 **B. Defendants' Motion to Shorten Time**

7 Defendants move the Court to shorten time, requesting that the Court consider
8 Khaleghi's motion to compel (Dkt. 22) at the same time as Defendants' motion to
9 continue trial (Dkt. 25). Dkt. 27.

10 Because the Court considers both the motion to compel and the motion to continue
11 herein, Defendants' motion to shorten time is denied as moot.

12 **C. Khaleghi Motion to Compel**

13 Khaleghi moves the Court to compel certain discovery that he believes is being
14 improperly withheld by Defendants. Dkt. 22. In opposition, Defendants (1) agree the
15 discovery should be turned over; (2) argue that they do not have access to the requested
16 documents or such information does not exist; or (3) believe that Khaleghi is not entitled
17 to the requested information.

18 Given that the trial date and other corresponding discovery deadlines are now
19 being altered substantially, Khaleghi's motion is premature. Additionally, it appears that
20 Defendants are in the process of turning over or have already turned over much of the
21 requested discovery to Khaleghi.

22 In light of these facts, the Court concludes that the parties have both the time and
23 obligation to work diligently to resolve this discovery dispute. The parties are reminded
24 that discovery motions are disfavored and that discovery disputes are the obligation of the
25 parties' counsel to resolve. However, should the parties be unable to resolve the discovery
26 disputes identified within Khaleghi's motion to compel or any other discovery dispute,
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1 the Court will consider a renewed motion at the appropriate time within the new case
2 schedule.


3 Additionally, Khaleghi's motion for attorney fees, filed with the motion to compel,
4 is denied.

5 **II. ORDER**

6 Therefore, it is hereby **ORDERED** that

- 7 (1) Khaleghi's motion to compel (Dkt. 22) is **DENIED without prejudice** and
8 no attorney fees are awarded;
9 (2) Defendants' motion to continue is **GRANTED** as discussed herein; and
10 (3) Defendants' motion to shorten time is **DENIED as moot**.

11 DATED this 9th day of March, 2011.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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